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COPYRIGHT ROYALTY BOARD

FEB 01 2007

## Joint Claim for DART Royalty Fees

Copyright Royalty Board

In accordance with Chapter 10 of the Copyright Act, 17 USC, and Part 360 of the Copyright Royalty Board regulations, 37 CFR 360.20-360.25, the claimant named herein files with the Copyright Royalty Board of the Library of Congress a claim to royalty payments collected from manufacturers and importers of digital audio recording devices and digital audio recording media who distribute the products in the United States, collected during the period January 1 through December 31, 2006.

You must provide the requested information for each item on this form.

## Filer and Interested Copyright Party Information

**FILER FULL NAME AND ADDRESS:** Below, provide the full legal name and address (including specific number and street name or rural route), of person or entity filing the claim.

NAME Broadcast Music, Inc.  
STREET 320 West 57th Street  
CITY/TOWN New York STATE NY ZIP 10019

**OTHER FILER IDENTIFICATION:** Indicate below whether the person filing this claim is the interested copyright party (see no. 5 for definition), an authorized representative of the interested copyright parties, or both. *Check only one.*

☒ Interested copyright party    ☐ Authorized representative of the interested copyright parties    ☐ Both

Telephone number of person or entity filing the claim: 212-586-2000

Facsimile number, if any, of person or entity filing the claim: 212-397-0789

Email, if any, of the person or entity filing the claim: mberenson@bmi.com

**CONTACT PERSON:** This person must be an interested copyright party (see no. 5 for definition), an authorized representative of the interested copyright parties, or a designee of either. Include name, phone, fax (if any), and email (if any).

NAME Marvin Berenson, Senior Vice President and General Counsel  
PHONE 212-830-2533 FAX 212-397-0789  
EMAIL mberenson@bmi.com

**LIST OF INTERESTED COPYRIGHT PARTIES:** Below, provide the name of each claimant to the joint claim who has duly authorized the representative named herein to file this claim on their behalf. You may attach a list of the names of the claimants to the joint claim in lieu of listing the names below.

A complete list of all BMI writer affiliates who have designated BMI for DART purposes is attached. Each BMI affiliate is an interested copyright party pursuant to 17 U.S.C. Section 1007(7)(B).

Also attached is a list of those foreign societies that have DART  
**Claim Information** agreements with BMI.

**SUBFUND SELECTION:** In the appropriate fund space below, select the subfund against which your claim is being made. A separate claim must be filed for each subfund. *Select only one subfund below.*

**Sound Recordings Fund—**

☐ Copyright Owners Subfund: Check here, then select statement A or D(i) below in item 5, whichever is more applicable.

☐ Featured Artists Subfund: Check here, then select statement C or D(i) below in item 5, whichever is more applicable.

**Musical Works Fund—**

☒ Writers Subfund: Check here, then select statement B, D(i), or D(ii) below in item 5, whichever is more applicable.

☐ Publishers Subfund: Check here, then select statement B, D(i), or D(ii) below in item 5, whichever is more applicable.

**INTERESTED COPYRIGHT PARTY DEFINITION:** By selecting a statement below, indicate how the claimants fit within the definition of interested copyright parties in 17 USC 1001(7). If the claimants are interested copyright parties under more than one definition, select the most appropriate definition that corresponds to the subfund selected in item 4 (above).

Check only one statement below.

- ☐ (A) the owner of the exclusive right under section 106(1) of this title to reproduce a sound recording of a musical work that has been embodied in a digital musical recording or analog musical recording lawfully made under this title that has been distributed (17 USC §1001(7)(A));
- ☐ (B) the legal or beneficial owner of, or the person that controls, the right to reproduce in a digital musical recording or analog musical recording a musical work that has been embodied in a digital musical recording or analog musical recording lawfully made under this title that has been distributed (17 USC §1001(7)(B));
- ☐ (C) a featured recording artist who performs on a sound recording that has been distributed (17 USC §1001(7)(C)); or
- (D) any association or other organization (make your selection below):
- ☐ (i) representing persons specified in subparagraph (A), (B), or (C), (17 USC §1001(7)(D)(i)) — or —
- ☒ (ii) engaged in licensing rights in musical works to music users on behalf of writers and publishers (17 USC §1001(7)(D)(ii)).

**CLAIM IDENTIFICATION:** To establish the basis for this claim, identify below at least one musical work or sound recording embodied in a digital musical recording or an analog musical recording lawfully made under title 17 USC that has been distributed or disseminated to the public in transmissions between January 1 and December 31, 2006.

See attached Exhibit listing three examples of BMI musical works performed and distributed in 2006

### Declaration

The undersigned declares under penalty of law that he or she is duly authorized by the claimants identified herein to make this filing on their behalf and further declares under penalty of law that all statements contained herein are true, complete, and correct to the best of the undersigned's knowledge, information, and belief, and are made in good faith. [18 USC 1001 (2000)]

Marvin L. Berenson

(TYPED OR PRINTED NAME)

(SIGNATURE)

(DATE)

Exhibit to BMI's 2006 Joint Claim for DART Royalty Fees

(6) Musical Works Establishing the Basis for the Claim:

A. Song title: "Mother and Child Reunion"

Songwriter: Paul Simon

Publisher: Paul Simon Music

Distribution: Dissemination: Digital and analog musical recordings of this musical work were disseminated to the public in radio transmissions during the period from January 1, 2006 through December 31, 2006. The musical work was also distributed in various digital and analog musical recordings. One such digital recording is the compact disc entitled "On My Way, Don't Know Where I'm Goin'," by Paul Simon, manufactured and marketed by Warner Strategic Marketing, 10635 Santa Monica Boulevard, Los Angeles, CA 90025-4900 (R273774).

B. Song Title: "I Will Always Love You"

Songwriter: Dolly Parton

Publisher: Velvet Apple Music

Distribution: Dissemination: Digital and analog musical recordings of this musical work were disseminated to the public in radio transmissions during the period from January 1, 2006 through December 31, 2006. The musical work was also distributed during this period in various digital and analog musical recordings. One such digital recording is the compact disc entitled "Ultimate Dolly Parton," by Dolly Parton, manufactured and marketed by BMG Distribution, a unit of BMG Music, 1540 Broadway, New York, NY 10036 (82876 52008 2).

C. Song Title: "Denial Twist"

Songwriter: Jack White

Publisher: Peppermint Stripe Music

Distribution: Dissemination: Digital and analog musical recordings of this musical work were disseminated to the public in radio transmissions during the period from January 1, 2006 through December 31, 2006. The musical work was also distributed during this period in various digital and analog musical recordings. One such digital recording is the compact disc entitled "Walking With A Ghost," by The White Stripes, manufactured and marketed by Third Man Records under license to V2 Records, 14 East 4<sup>th</sup> Street, New York, NY 10012 (63881-27291-2).

Foreign Performing Rights Societies  
That Have Authorized BMI to Represent  
Their BMI Works for Collection of Royalties  
Under the Audio Home Recording Act of 1992

AACIMH  
ABRAMUS  
AGAYC  
AKM  
APA  
APRA  
ARMAUTHOR  
ARTISJUS  
BBDA  
BELAT  
BGDA  
BMDA  
CASH  
COMPASS  
COSCAP  
COSGA  
COSOMA  
COTT  
GEMA  
HDS  
HMS  
IMRO  
JACAP  
JASRAC  
KAZAK  
KCI  
LATGA-A  
MACP  
MASA  
MCSC  
MCSK  
MCSN  
MESAM  
MUSICAUTOR  
NICAUTOR  
OSA  
PRS  
RAO  
SABAM  
SACEM

Honduras  
Brazil  
Guatemala  
Austria  
Paraguay  
Australia  
Armenia  
Hungary  
Burkina Faso  
Belarus  
Guinea  
Morocco  
Hong Kong  
Singapore  
Barbados  
Ghana  
Malawi  
Trinidad & Tobago  
Germany  
Croatia  
St. Lucia  
Ireland  
Jamaica  
Japan  
Kazakhstan  
Indonesia  
Lithuania  
Malaysia  
Mauritius  
China  
Kenya  
Nigeria  
Turkey  
Bulgaria  
Nicaragua  
Czech Republic  
United Kingdom  
Russia  
Belgium  
France

SACIM  
SACM  
SADAIC  
SAYCO  
SAZAS  
SCD  
SGAE  
SIAE  
SOBODAYCOM  
SOCAN  
SOKOJ  
SOZA  
SPAC  
SPACEMF  
SQN  
STIM  
SUISA  
TEOSTO  
TONO  
UACRR  
UBC  
UCMR/DDA  
ZAIKS  
ZAMCOPS  
ZIMRA

El Salvador  
Mexico  
Argentina  
Colombia  
Slovenia  
Chile  
Spain  
Italy  
Bolivia  
Canada  
Serbia  
Slovak Republic  
Panama  
French Polynesia  
Bosnia Herzegovina  
Sweden  
Switzerland  
Finland  
Norway  
Ukraine  
Brazil  
Romania  
Poland  
Zambia  
Zimbabwe